

REMARKS

As a preliminary matter, the Applicant has attended to the correction noted by the Examiner in the claim objections. In particular, claim 20 has been amended to depend from claim 18. Also, in reviewing the claims, the Applicant noted a typographical error in claim 11 and has inserted the word "which" to correct the error.

Turning to the substantive rejections, the Examiner has rejected claims 1-7 as anticipated by Gomez, U.S. Patent No. 2,670,485. The Applicant respectfully disagrees because Gomez does not teach all of the limitations of these claims. In particular, with respect to claim 1, the Examiner argues that there is a frame 40 secured to the lower portion of Gomez's housing and a height adjustment column rising from the rear of the frame 40. The Applicant notes that the frame 40, in Gomez, does not have a column rising from it. In contrast, the column is attached to the rear of the dirt receptacle 30, which is slidably mounted on the frame 40.

Also, with respect to the orientation of the rotating brush, the Applicant respectfully disagrees with the Examiner's argument that Gomez has bristles that are adapted to engage the surface at an oblique angle. It is clear from the figures that the bristles in Gomez are adapted to contact the surface at a perpendicular angle to the surface.

While dependent claims 2-7 are believed to be patentably distinct from Gomez based on their dependency from claim 1, these claims also have independent bases for allowability. For example, claim 2 requires a notch defined in the rear of the dirt receptacle adapted to partially extend around the column. Gomez does not have such a notch. The screw 66, which the Examiner argues is a column, is mounted outside the dirt receptacle on a mounting bracket that extends rearwardly therefrom.

With respect to claim 3, Gomez does not disclose a wheel assembly that is positioned within the column. To the extent that the Examiner has argued that screw 66 is a column, it is clear that the wheel is mounted at one end of the screw by a caster assembly and is not located within the screw 66.

The Examiner has rejected claims 1 and 3-9 as anticipated by Parker, U.S. Patent No. 2,268,059. Parker, like Gomez, includes a brush mounted on a horizontally extending bar such that the brush is adapted to contact the surface at a perpendicular angle. Therefore, the

Applicant respectfully disagrees with the argument that the bristles are adapted to engage the surface at an oblique angle. Also, like Gomez, Parker does not teach a column rising from the rear of the frame but employs a caster that extends downward from a bracket attached to the rear of the housing. Consequently, the Applicant believes that claim 1 is not anticipated by Parker.

Dependent claims 3-9 are believed to be patentably distinct based on their dependency from claim 1 and for the reasons explained with respect to Gomez. Parker's caster, which the Examiner argues is a column and adjustable wheel assembly like the caster in Gomez, does not teach the limitations found in claims 3 and 5, as discussed above. Moreover, with respect to claims 8 and 9, the Applicant respectfully disagrees that Parker discloses a latch, as claimed. The Examiner has argued that items 33 and 34 are a latch and that the latch, column, and frame cooperate to position the dirt receptacle on the front of the housing. Items 33 are flanges that simply rest on top of a top wall 10, and item 34 is a handle that provides a surface that the user can grip. None of these items would be considered a latch by one of ordinary skill. Moreover, these items do not interact in any way with the caster, which the Examiner has referred to as a column, to orient the dirt receptacle relative to the housing. Consequently, the Applicant believes that claims 1 and 3-9 are not anticipated by Parker and respectfully requests reconsideration of this rejection.

The Examiner has argued that claims 1 and 8-10 are anticipated by Patzold, U.S. Patent No. 4,484,371. The Applicant respectfully disagrees because Patzold '371 does not teach each element of the claims. In particular, Patzold does not disclose a column, as claimed. The Examiner points to the round element in Fig. 1, which is not described or shown in the figures. The Examiner refers to another patent, U.S. Patent 4,502,173, in effect admitting that all of the required teachings are not found in the '371 patent. Consequently, the Applicant respectfully requests reconsideration of the rejection of claims 1 and 8-10.

The Examiner rejected claim 11 as anticipated by Haaga, U.S. Patent No. 5,896,611. The Applicant respectfully disagrees because Haaga '611 does not disclose a column, as claimed. In particular, the Examiner has argued that item 30 is a column, but this refers to the pushing arm (col. 5, lines 15-17). Moreover, Haaga does not disclose a separate frame to which the

housing is attached. As a result, the requirement that the column rise upwardly from the frame is also not disclosed in the '611 patent. Instead, the '611 patent teaches attachment of the push bar 30 to the housing 10. Similarly, the '611 patent does not teach the requirement that the frame be secured to a lower portion of the housing. Consequently, the Applicant respectfully requests reconsideration of this rejection.

The Examiner has rejected claims 11-12 and 18-20 as anticipated by Haaga, U.S. Patent No. 5,184,367. The Applicant respectfully disagrees because Haaga does not teach a column, as claimed. The Examiner has argued that item 21 is a column, but review of the specification clarifies that this refers to the vertex of a hook-shaped profiling 18. Moreover, the profiling 18 does not rise from the rear of the frame, as claimed. As best shown in Fig. 1, the profiling 18, which acts as a locating lip that allows the rear portion of Haaga's housing to be tilted away from the front portion, is located centrally. Also, Haaga does not disclose a frame but instead describes a two-piece housing. Consequently, the limitation that the column rise from the frame and that the frame be secured to the front housing are not disclosed by Haaga. Consequently, the Applicant requests reconsideration of this rejection. Also, Haaga does not disclose a dirt scoop positioned in the upper housing proximate to the point at which the bristles of the first brush contact the bristles of the second brush. In light of the foregoing, the Applicant believes that claims 11-12 and 18-20 are in condition for allowance and respectfully requests notice of the same.

With respect to the dependent claims, the Applicant notes that while these claims are believed to be in condition for allowance based on their dependency from claim 11, these claims are believed to contain independent bases of allowability as well. For example, since Haaga lacks a column, it cannot teach a notched defined in the rear of the dirt receptacle adapted to partially extend around the column. In considering Haaga, no notch is formed in the rear of the dirt receptacle 2.

The Examiner has rejected claims 11 and 13-17 as obvious over Haaga '376 in view of Parker. The Applicant respectfully disagrees because even if one of ordinary skill were motivated to combine these patents, they would not arrive at the claimed invention. In particular, as discussed at length above, Parker does not disclose a column as claimed. In

particular, Parker does not disclose a column rising upward from the rear of a frame but instead employs a caster mounted on a bracket attached to the sweeper housing. As described in the Applicant's specification on page 2, second paragraph, attachment of the wheel to the rear of the housing is disadvantageous in that removal of the dirt receptacle would prevent movement of the remainder of the sweeper. Such would be the case if one were to combine Parker and Haaga as suggested by the Examiner. Moreover, Parker's caster, which the Examiner describes as being a column, is not capable of working to orient the dirt receptacle, as claimed.

Also, as discussed above, Haaga does not disclose a dirt scoop, as claimed in claim 11. Consequently, even if one of ordinary skill were to combine Haaga with Parker, which the Examiner has cited as providing a column with an adjustable wheel assembly, one of ordinary skill would not arrive at the claimed invention.

While the dependent claims are believed to be in condition for allowance based on their dependency from claim 11, these claims contain additional bases for allowability. For example, as discussed above, Parker does not disclose a wheel mounted within the column. Consequently, claim 13 and those that depend from it are not obvious over Haaga '376 in view of Parker. In light of the foregoing, the Applicant respectfully requests reconsideration of the rejection of claims 11 and 13-17.

New claims 21-23 have been submitted for the Examiner's consideration. Support for these claims may be found on page 5, second paragraph through page 6 and Figs. 3 and 4. No new matter has been added. The addition of claims 21-23 increases the total number of claims by three and raises the number of independent claims to three. Therefore, a check for the three claims in excess of twenty is enclosed. In the event that any additional fees are necessary, the Examiner is authorized to charge Deposit Account No. 18-0987.

The Applicant believes that all issues have been addressed in this response, but if further issues remain, the Applicant would appreciate a telephone call to the undersigned attorney.

In view of the foregoing amendment and response, the Applicant believes that claims 1-23 are in condition for allowance and respectfully requests notice of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannon V. McCue', is written over a horizontal line.

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